

COMMERCE AND NAVIGATION

Treaty signed at Washington July 17, 1858

Senate advice and consent to ratification March 8, 1859

Ratified by Belgium March 17, 1859

Ratified by the President of the United States April 13, 1859

Ratifications exchanged at Washington April 16, 1859

Entered into force April 16, 1859

Proclaimed by the President of the United States April 19, 1859

Supplemented by convention of May 20, 1863,¹ and additional article of December 20, 1868²

Article XV made obsolete by consular convention of December 5, 1868,³ as supplemented

Terminated July 1, 1875⁴

12 Stat. 1043; Treaty Series 20⁵

The United States of America on the one part and His Majesty the King of the Belgians on the other part, wishing to regulate in a formal manner their reciprocal relations of commerce and navigation, and further to strengthen, through the development of their interests respectively, the bonds of friendship and good understanding so happily established between the governments and people of the two countries; and desiring, with this view, to conclude, by common agreement, a treaty establishing conditions equally advantageous to the commerce and navigation of both states, have, to that effect, appointed as their plenipotentiaries, namely: the President of the United States, Lewis Cass, Secretary of State of the United States, and His Majesty the King of the Belgians, Mr. Henri Bosch Spencer, decorated with the cross of iron, Chevalier of the order of Leopold, Chevalier of the Polar Star, his Chargé d'Affaires in the United States, who, after having communicated to each other their full powers, ascertained to be in good and proper form, have agreed to and concluded the following articles:

¹ TS 22, *post*, p. 468.

² TS 26, *post*, p. 483.

³ TS 25, *post*, p. 478.

⁴ Pursuant to notice of termination given by the United States July 1, 1874.

⁵ For a detailed study of this treaty, see 7 Miller 931.

ARTICLE I

There shall be full and entire freedom of commerce and navigation between the inhabitants of the two countries; and the same security and protection which is enjoyed by the citizens or subjects of each country, shall be guarantied on both sides. The said inhabitants, whether established or temporarily residing within any ports, cities or places whatever, of the two countries, shall not, on account of their commerce or industry, pay any other or higher duties, taxes or imposts, than those which shall be levied on citizens or subjects of the country in which they may be; and the privileges, immunities, and other favors, with regard to commerce or industry, enjoyed by the citizens or subjects of one of the two States, shall be common to those of the other.

ARTICLE II

Belgian vessels, whether coming from a Belgian or a foreign port, shall not pay, either on entering or leaving the ports of the United States, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage, or generally other charges whatsoever, than are required from vessels of the United States in similar cases. This provision extends, not only to duties levied for the benefit of the State, but also to those levied for the benefit of provinces, cities, countries [counties], districts, townships, corporations, or any other division or jurisdiction, whatever may be its designation.

ARTICLE III

Reciprocally, vessels of the United States, whether coming from a port of said States, or from a foreign port, shall not pay, either on entering or leaving the ports of Belgium, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage, or generally other charges whatever, than are required from Belgian vessels in similar cases. This provision extends not only to duties levied for the benefit of the state, but also to those levied for the benefit of provinces, cities, countries [counties], districts, townships, corporations, or any other division or jurisdiction, whatever may be its designation.

ARTICLE IV

Steam vessels of the United States and of Belgium, engaged in regular navigation between the United States and Belgium, shall be exempt in both countries from the payment of duties of tonnage, anchorage, buoys, and light-houses.

ARTICLE V

As regards the coasting trade between the ports of either country, the vessels of the two nations shall be treated on both sides on the same footing with the vessels of the most favored nations.

ARTICLE VI

Objects of any kind soever introduced into the ports of either of the two States, under the flag of the other, whatever may be their origin and from what country soever the importation thereof may have been made, shall not pay other or higher entrance duties nor shall be subjected to other charges or restrictions, than they would pay, or be subjected to, were they imported under the national flag.

ARTICLE VII

Articles of every description, exported by Belgian vessels, or by those of the United States of America, from the ports of either country to any country whatsoever, shall be subjected to no other duties or formalities than such as are required for exportation under the flag of the country where the shipment is made.

ARTICLE VIII

All premiums, drawbacks, or other favors of like nature, which may be allowed in the states of either of the contracting parties, upon goods imported or exported in national vessels, shall be likewise, and in the same manner, allowed upon goods imported directly from one of the two countries, by its vessels, into the other, or exported from one of the two countries, by the vessels of the other, to any destination whatsoever.

ARTICLE IX

The preceding article is, however, not to apply to the importation of salt, and of the produce of the national fisheries; each of the two parties reserving to itself the faculty of granting special privileges for the importation of those articles under its own flag.

ARTICLE X

The high contracting parties agree to consider and to treat as Belgian vessels, and as vessels of the United States, all those which, being provided by the competent authority with a passport, sea letter, or any other sufficient document, shall be recognized conformably with existing laws as national vessels in the country to which they respectively belong.

ARTICLE XI

Belgian vessels and those of the United States may, conformably with the laws of the two countries, retain on board, in the ports of both, such

parts of their cargoes as may be destined for a foreign country; and such parts shall not be subjected, either while they remain on board, or upon re-exportation, to any charges whatsoever, other than those for the prevention of smuggling.

ARTICLE XII

During the period allowed by the laws of the two countries respectively for the warehousing of goods, no duties, other than those of watch and storage, shall be levied upon articles brought from either country into the other while awaiting transit, re-exportation, or entry for consumption. Such goods shall in no case be subject to higher warehouse charges, or to other formalities than if they had been imported under the flag of the country.

ARTICLE XIII

In all that relates to duties of customs and navigation, the two high contracting parties promise, reciprocally, not to grant any favor, privilege, or immunity, to any other state, which shall not instantly become common to the citizens and subjects of both parties respectively; gratuitously, if the concession or favor to such other state is gratuitous, and on allowing the same compensation or its equivalent, if the concession is conditional.

Neither of the contracting parties shall lay upon goods proceeding from the soil or the industry of the other party, which may be imported into its ports, any other or higher duties of importation or re-exportation than are laid upon the importation or re-exportation of similar goods coming from any other foreign country.

ARTICLE XIV

In cases of shipwreck, damages at sea, or forced putting in, each party shall afford to the vessels of the other, whether belonging to the state or to individuals, the same assistance and protection, and the same immunities, which would have been granted to its own vessels in similar cases.

ARTICLE XV⁶

It is moreover agreed between the two contracting parties, that the Consuls and Vice-consuls of the United States in the ports of Belgium, and, reciprocally, the consuls and vice-consuls of Belgium in the ports of the United States, shall continue to enjoy all the privileges, protection, and assistance, usually granted to them, and which may be necessary for the proper discharge of their functions. The said consuls and vice-consuls may cause to be arrested and sent back, either to their vessels or to their country, such seamen as may have deserted from the vessels of their nation. To this end, they shall apply in writing to the competent local authorities, and they

⁶ Made obsolete by convention of Dec. 5, 1868 (TS 25), *post*, p. 478.

shall prove, by exhibition of the vessel's crew list, or other document, or, if she shall have departed, by copy of said documents, duly certified by them, that the seamen whom they claim formed part of the said crew. Upon such demand, thus supported, the delivery of the deserters shall not be refused. They shall moreover receive all aid and assistance in searching for, seizing, and arresting such deserters, who shall upon the requisition and at the expense of the consul or vice-consul, be confined and kept in the prisons of the country until he shall have found an opportunity for sending them home. If, however, such an opportunity should not occur within three months after the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause. It is, however, understood, that seamen of the country in which the desertion shall occur, are excepted from these provisions, unless they be naturalized citizens or subjects of the other country.

ARTICLE XVI

Articles of all kinds, the transit of which is allowed in Belgium, coming from or going to the United States, shall be exempt from all transit duty in Belgium, when the transportation through the Belgian territory is effected on the railroads of the state.

ARTICLE XVII

The present treaty shall be in force during ten years from the date of the exchange of the ratifications, and until the expiration of twelve months after either of the high contracting parties shall have announced to the other its intention to terminate the operation thereof; each party reserving to itself the right of making such declaration to the other, at the end of the ten years above mentioned: and it is agreed, that after the expiration of the twelve months of prolongation accorded on both sides, this treaty and all its stipulations shall cease to be in force.

ARTICLE XVIII

This treaty shall be ratified and the ratifications shall be exchanged at Washington, within the term of nine months after its date, or sooner if possible.

In faith whereof, the respective plenipotentiaries have signed the present treaty, in duplicate, and have affixed thereto their seals, at Washington, the seventeenth of July, eighteen hundred and fifty-eight.

LEW CASS	[SEAL]
H. BOSCH SPENCER	[SEAL]